

Amend Section 30-701 to read:

30-701 SPECIAL DEFINITIONS (Continued)

30-701

(l) (1) (Continued)

- (2) A Licensed Health Care Professional means a person who is a physician as defined and authorized for the purposes of signing the Health Care Certification (LHCP-HCC) is an individual licensed in this the sState of California by the appropriate regulatory agency, acting within the scope of his/her license or certificate as defined in accordance with the California Business and Professions Code, and whose primary responsibilities are to diagnose and/or provide treatment and care for, physical or mental impairments which cause or contribute to an individual's functional limitations.

(3) (Continued)

Authority Cited: Sections 10553, 10554, 12301.1, and 22009(b), Welfare and Institutions Code; and Chapter 939, Statutes of 1992 (AB 1773).

Reference: Sections 10554, 11102, 12300(c), 12301, 12301.6, 12304, 12306, 12308, 12309.1, 13302, 14132.95, 14132.95(e), 14132.95(f), and 22004, Welfare and Institutions Code.

Adopt Section 30-754 to read:

30-754 **HEALTH CARE CERTIFICATION**

30-754

- .1 As a condition of receiving services, each applicant shall provide a health care certification.
- .11 The health care certification shall:
 - .111 Indicate that the applicant is unable to independently perform one or more activities of daily living;
 - .112 Indicate that without services to assist the applicant with activities of daily living, the applicant is at risk of placement in out-of-home care;
 - .113 Provide a description of any condition or functional limitation that has resulted in, or contributed to, the applicant's need for services; and
 - .114 Be signed by a LHCP-HCC, as defined in Section 30-701(1)(2).

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- (a) Individuals who are considered to be LHCP-HCCs include, but are not limited to, the following:
 - (1) A Physician;
 - (2) A Physician Assistant;
 - (3) A Regional Center Clinician or Clinician Supervisor;
 - (4) An Occupational therapist;
 - (5) A Physical Therapist;
 - (6) A Psychiatrist;
 - (7) A Psychologist;
 - (8) An Optometrist;
 - (9) An Ophthalmologist;
 - (10) A Public Health Nurse;
 - (11) A Licensed Clinical Social Worker; or

(12) A Marriage and Family Therapist.

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- .12 The completed and signed health care certification shall not be dated more than 60 days prior to the date it is submitted to the county.
- .13 The health care certification shall not be required on subsequent reassessments.
- .2 The health care certification shall be provided on a department-approved form, incorporated in its entirety herein by reference, the California Department of Social Services In-Home Supportive Services Program Health Care Certification (SOC 873).
- .21 The county shall accept alternative documentation in place of the SOC 873 provided that the alternative documentation meets the following criteria:
 - .211 Alternative documentation shall include all of the following elements:
 - (a) A statement or description indicating the applicant is unable to independently perform one or more activities of daily living, and that without services to assist the applicant with activities of daily living, the applicant is at risk of placement in out-of-home care;
 - (b) A description of the applicant's condition or functional limitation that has contributed to the need for assistance; and
 - (c) A signature with date of a LHCP-HCC, as defined in Section 30-701(l)(2).
 - .212 Alternative documentation shall not be dated more than 60 days prior to the date it is submitted to the county.
- .22 Alternative documentation refers to clinical or casework documents generated for some purpose other than IHSS certification that also meets the criteria above.

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- .221 Examples of alternative documentation include, but are not limited to, the following:
 - (a) A hospital or nursing facility discharge plan;
 - (b) Minimum Data Set forms, which is a standardized screening and assessment tool used to evaluate the physical, clinical, psychological and psycho-social functioning and document the life care wishes of residents of long-term care facilities certified to participate in Medicare or Medicaid (Medi-Cal); or

- (c) An Individual Program Plan, which is an agreement developed by the planning team for a developmentally disabled individual who receives Regional Center services, that outlines the individual's goals and objectives, and specifies the services and supports he/she will need to achieve them.

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- .23 In the absence of such alternative documentation, the SOC 873 shall be utilized.
- .3 The county shall request the health care certification from the applicant at or before the time of the in-home assessment.
 - .31 If the health care certification is requested before the in-home assessment, the county shall screen applications received and, for those in which clear evidence of a need for services exists, the county shall not delay conducting the in-home assessment until the completed and signed health care certification is received by the county.
 - .32 At the time the county requests the health care certification, the county shall provide the applicant with the department approved notice, the California Department of Social Services In-Home Supportive Services Program Notice to Applicant of Health Care Certification Requirement (SOC 874), incorporated in its entirety herein by reference, on which the county has specified the date by which the completed and signed health care certification shall be returned.
 - .321 The county shall retain a copy of the notice, which includes the specified due date, in the applicant's file.
- .4 The county shall allow 45 calendar days from the day the county requests the health care certification for the completed and signed health care certification to be submitted to the county.
 - .41 The completed and signed health care certification shall be received by the county or postmarked no later than the 45th calendar day after it is requested by the county.
- .5 The county shall consider the health care certification as one indicator, but not the sole determining factor, in determining an applicant's need for services.
- .6 The county may not authorize services in the absence of the health care certification except in following circumstances:
 - .61 When services have been requested by or on behalf of an applicant who is being discharged from a hospital or a nursing home and services are needed to return safely to the community.
 - .62 When the county determines the applicant is at imminent risk of out-of-home placement.

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.621 An example of imminent risk of out-of-home placement:

- (a) An Adult Protective Services worker advised the county that an IHSS applicant is at imminent risk of out-of-home placement without IHSS services in place. If the county determines that waiting up to 45 calendar days for the health care certification to be returned would place an IHSS applicant at risk of out-of-home placement, services can be granted temporarily pending receipt of the health care certification or alternative documentation.

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.63 Applicants who have been granted an exception, pursuant to Sections 30-754.6 through 30-754.62, shall return the completed health care certification within 45 calendar days from the date it is requested by the county.

.64 Applicants who have been granted an exception, pursuant to Sections 30-754.6 through 30-754.62, may be granted an additional 45 calendar days for good cause.

.641 Good cause means a substantial and compelling reason beyond the control of the applicant who has been granted an exception.

.642 Counties shall inform the applicant who has been granted an exception, pursuant to Sections 30-754.6 through 30-754.62, that he/she may request additional time to provide the health care certification or alternative documentation.

.643 Applicants who have been granted an exception, pursuant to Sections 30-754.6 through 30-754.62, shall notify the county of the need for a good cause extension no later than 45 calendar days from the date the county requests the certification.

.644 Counties have the discretion to determine on a case-by-case basis when good cause exists.

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.645 Some examples of good cause include but are not limited to:

- (a) Applicant was in the hospital for much of the 45-day timeframe;
- (b) The LHCP-HCC was scheduling appointments out for more than the 45-day timeframe; or
- (c) The form was lost in the mail.

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- .65 When the county grants an exception pursuant to Section 30-754.61 and authorizes services before the in-home assessment has been conducted, the county shall provide the applicant with a notice of provisional approval of his/her application for services.
- .651 The notice shall include information about the specific services and the amount of time being provisionally authorized.
- .652 The notice of provisional approval shall be in lieu of the Notice of Action required pursuant to Section 10-116 and shall not confer the right to a hearing pursuant to Section 10-117.
- .653 Once the in-home assessment has been conducted, the county shall provide the applicant a Notice of Action as required pursuant to Section 10-116 which shall confer the right to a hearing pursuant to Section 10-117.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12309.1, Welfare and Institutions Code.